

AFFIDAVIT OF MERIT

**AS TO DEFENDANTS INSPIRA HEALTH CENTER, BRIDGETON MENTAL HEALTH UNIT
("INSPIRA MENTAL HEALTH") & INSPIRA MEDICAL CENTER**

**Estate of Edward C. Gandy, et. als. v. City of Millville, et. als., New Jersey
District, Camden Vicinage
Case No.: 1:20-CV-00641-NLH-AMD**

1. I, Dr. Lawrence J. Guzzardi , have a Bachelor's of Science degree in Chemistry from Boston College, a Doctor of Medicine (M.D.) degree from Jefferson Medical College and a M.B.A. from the Wharton School of the University of Pennsylvania. I completed my Residency in Emergency Medicine. I have been Board Certified in Family Practice and Emergency Medicine and am also Board Certified in Medical Toxicology.
2. I have reviewed the medical records of decedent Edward Gandy in this matter. I also reviewed the Complaint filed in this matter by the Plaintiff, the Estate of Edward Gandy, by and through the Executor, Shane S. Gandy. This case involves the fatal police shooting of Edward Gandy on January 22, 2018, several days after he received a crisis screening while under the care of Defendants Inspira Mental Health, Inspira Medical Center, and co-defendant Cumberland County Guidance Center ("CCGC"), and after being released by Inspira Mental Health and Inspira Medical Center, on January 10, 2018, without proper evaluation and treatment.
3. It is my professional opinion, to a reasonable degree of medical certainty, that the care and treatment rendered to decedent Edward Gandy by Defendants Inspira Mental Health and Inspira Medical Center deviated from an acceptable standard of professional care, skill and knowledge.
4. It is also my professional opinion, to a reasonable degree of medical certainty, that the care and treatment rendered to decedent Edward Gandy by Defendants Inspira Mental Health and Inspira Medical Center fell below and deviated from accepted standards of medical care, thereby increasing the risk of harm/loss/injury and/or death to decedent Edward Gandy, and were a substantial contributing factor in causing the harm/loss/injury and death to decedent Edward

Gandy.

5. The lack of reasonable care and treatment by Defendants Inspira Mental Health and Inspira Medical Center increased the risk of harm to Edward Gandy and was a substantial contributing factor in causing harm/loss/injury and death to decedent Edward Gandy. Specifically, in the instant matter.

Medical History

Edward Gandy was treated by CCGC on an outpatient basis for several years, including in years 2017 & 2018, for anxiety and depression and bipolar disorder. He was last seen in the outpatient department for medication management on October 18, 2017. At that time, Edward Gandy was prescribed buspirone (BuSpar) 15 mg three times a day and sertraline (Zoloft) 100 mg daily.

Edward Gandy was seen for psychiatric screening at CCGC on four occasions between November 16, 2017 to January 9, 2018. According to the documentation for the November 16, 2017 psychiatric screening, Edward Gandy was escorted to the psychiatric screening center by the police following suicidal statements made by him when alleged romantic advances made towards a pharmacy employee did not receive a favorable response. The employee retreated to a back room of the pharmacy as other employees requested that Edward Gandy leave the store. Edward Gandy verbally expressed anger and made statements of self-harm. The police were called. Edward Gandy was psychiatrically screened by CCGC. During the screening, Edward Gandy denied intent to harm himself; the screener documented that Edward Gandy was linked to mental health services, had an effective support system, and had access to care. On November 16, 2017, Edward Gandy was discharged to the community with a recommendation to reschedule the missed outpatient appointment with CCGC.

On November 26, 2017, another female staff at a pharmacy perceived that Edward Gandy was making romantic advances towards her. The female pharmacy staff retreated to an employee section of the pharmacy and the manager requested that Edward Gandy leave the store and not return. Edward Gandy went to the police station to report he was misunderstood and wanted assistance to correct the misunderstanding. The police directed Edward Gandy to go home. Edward Gandy returned to the police station with a knife. Edward Gandy threatened to kill himself. He was transferred to the Inspira Emergency Department for psychiatric screening. During the psychiatric screening with CCGC, Edward Gandy denied intent to harm himself. Edward Gandy was discharged home with a recommendation to continue outpatient treatment.

On November 29, 2017, Edward Gandy went to the pharmacy to pick up prescribed medications. He was instructed to leave the pharmacy due to the prior incident on November 16th. The police were called. When the police arrived, Edward Gandy became more agitated and told the police to shoot him. The police encouraged the pharmacist to

give Edward Gandy the medication. Edward Gandy was again transported for psychiatric screening with CCGC. Edward Gandy reported that he told the police to shoot him out of frustration, but he was not suicidal.

On January 2, 2018, Edward Gandy cancelled a follow-up outpatient medication monitoring appointment at CCGC.

On January 9, 2018, Edward Gandy was again psychiatrically screened by CCGC. This was due to incidents which occurred on January 8, 2018 and January 9, 2018 when Edward Gandy reportedly had another unpleasant experience at a pharmacy that resulted in him yelling. Edward Gandy went home, and the police visited him at home. The following day, on January 9, 2018, Edward Gandy went to Wawa with a knife and told a gas attendant that he was suicidal. When the police arrived, Edward Gandy asked the police to shoot him. Edward Gandy was transported to the Inspira Emergency Department crisis unit for psychiatric screening. The screening included an assessment by CCGC. The CCGC screener determined that Edward Gandy was impulsive, agitated and expressed paranoid thoughts. During the screening process the hospital security person intervened because of Edward Gandy's agitated behaviors. The psychiatrist prescribed Zoloft 100 mg; risperidone (Risperdal) mg; BuSpar 15 mg; trazadone 50 mg; and lorazepam (Ativan) 2 mg., and continued observation in the screening center. On the afternoon of January 9, 2018, Edward Gandy was reevaluated and held overnight per CCGC screener director recommendation. No testing was performed to evaluate Edward Gandy's compliance with medication.

The following morning, on January 10, 2018, Edward Gandy was reevaluated by the CCGC screener. The CCGC screener documented that Edward Gandy remained impulsive, and easily agitated with the inability to make rational decisions. Edward Gandy denied suicidal ideations, requested discharge to seek employment in the community and care for his pets. The CCGC screener discussed the case with the psychiatrist. The psychiatrist recommended that Edward Gandy continue treatment in the screening center and receive reevaluation later that day. On January 10, 2018, the psychiatrist completed a face-to-face evaluation and recommended involuntary admission to the Inspira Short Term Care Facility of the Inspira Medical Centers. Edward Gandy was admitted to the Behavioral Health unit as an involuntary admission but was released the same day.

At no time were the levels of drugs prescribed to Edward Gandy tested. Edward Gandy's compliance with medications is not known.

Finally, on January 22, 2018, at approximately 10:51 a.m., two officers from the Millville Police Department responded to the intersection of High and McNeal Streets in their patrol vehicle #920. The Officers' dispatch was in response to a report that Edward Gandy was in the area and that he was armed with a gun. At the time the dispatch was received, the Millville Police Department, were familiar with Mr. Gandy from a recent standoff in which Edward Gandy was armed with a knife and was acting erratically.

Edward Gandy's friends and family members were also interviewed after his death regarding Edward Gandy's mental state in the days and weeks leading up to the shooting that resulted in his death. One family member reported that on the morning of

the shooting, at approximately 10:00 a.m., Edward Gandy called and told him that he felt sick and could not "do this" anymore. A longtime friend of Edward Gandy reported that two days prior to the officer involved shooting Edward Gandy told him he wanted the police to kill him and that he had a similar motive, i.e., for the police to kill him, during the incident that occurred at the Wawa. Another family member reported that Edward Gandy responded to his home on January 21, 2018 and told him that he wished the police had killed him during the incident at the Wawa and that he wanted the police to kill him. Investigators located a handwritten note at Edward Gandy's residence that is believed to have been authored by Edward Gandy. The note detailed the incident that occurred at the Wawa where Edward Gandy was armed with a knife and detailed the fact that Edward Gandy wanted the police to kill him during the incident.

In conclusion, based on the medical records reviewed and without deposition testimony or other information, and within a reasonable degree of medical certainty, the care, skill or knowledge exercised or exhibited in the treatment, practice or work by Inspira Mental Health and Inspira Medical Center that is the subject of this complaint, fell outside acceptable professional of occupations standards or treatment practices.

It is likely that Edward Gandy was improperly treated and improperly discharged by Defendants Inspira Mental Health and Inspira Medical Center on January 10, 2018, despite Edward Gandy's repeated attempts to kill himself on November 16, 2017, November 26, 2017, November 29, 2017, and January 9, 2018, and while in the ongoing care of Inspira Mental Health and co-defendant CCGC. The improper treatment and improper discharge of Edward Gandy on January 10, 2018 by Defendants Inspira Mental Health and Inspira Medical Center contributed to Edward Gandy's behavior on January 22, 2018. Edward Gandy was in need of further treatment and evaluation, including blood testing on January 10, 2020. His discharge on January 10, 2020 by Defendant Inspira Mental Health, Inspira Medical Center was a substantial contributing factor to his death.

I have no financial interest in the outcome of this litigation.

All of the above statements are made within a reasonable degree of medical and professional certainty.

ATTESTATION

I attest under oath that the foregoing statements made by me are true and correct to the best of my knowledge and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

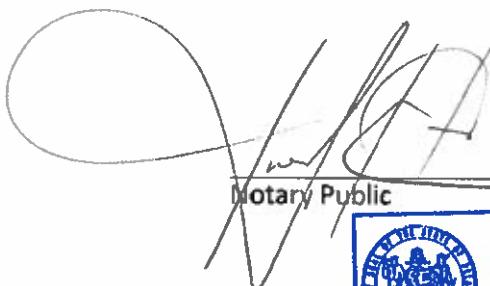
Dated: Dec 8 2020



Lawrence J. Guzzardi, M.D.

State of Delaware)
)
County of New Castle)

I, the undersigned Notary Public, do hereby affirm that Lawrence J. Guzzardi, M.D., personally appeared before me on 8th day of ^{December} July, 2020, and signed the above Affidavit as his free and voluntary act and deed.



Notary Public

